UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,369	07/19/2001	Sean Connolly	1187	9847

7590 08/04/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2635	

Suite 702
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DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/909,369	CONNOLLY ET AL.
		Examiner	Art Unit
		Matsuichiro Shimizu	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

The examiner acknowledges currently amended claims 1, 8-8 and14-24. 22, 38

and new claims 43-46.

Response to Arguments

Applicant's arguments filed on 5/21/2004 have been fully considered and

examiners response is provided as follows:

Regarding applicant's argument (line 5, page 8 to line 11, page 9), Goldberg

teaches the identifier data including status information (col, 3, lines 1-3, lines 11-12.

col. 4, lines 23-34, col. 6, lines 17-25, status indicator associated with targeted object

(or addressed object), key, wallet, watch, object associated with location transducer in

the form of reply); and the status information on the memory arrangement is updated

based on the comparison of the stored identifier data to the retrieved identifier data

(col, 3, lines 1-3, lines 11-12. col. 4, lines 23-34, col. 6, lines 17-25, alarm or

indication upon updating the target (or addressed) status in the memory 204 in the

form of reply). That is, Goldgerg discloses object is addressed and updated status is

retrieved for status indication 208 by the monitor or organizer 102.

Therefore, rejection of claims 1-24 follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 7, 11,14, 16-20 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg (6,331,817).

Regarding claims 1 and 14, Goldberg teaches a system for tracking portable devices comprising:

a transmitter (col. 3, lines 19-25 and col. 5, lines 21-31, transmitter via RF communication or Bluetooth communication associated with communication device 216) transmitting wireless inquiries to a plurality of portable devices (col. 5, lines 21-31, locating inquiry to devices);

a receiver (col. 3, lines 19-25 and col. 5, lines 21-31, receiving the reply from relayed back message from devices via RF communication or Bluetooth communication

associated with communication device 216) receiving replies to the inquiries from the portable devices ;

a memory (col. 2, line 49-62, data memory 204 set of specific objects associated with devices) arrangement storing identifier data corresponding to the portable devices, the identifier data including status information (col, 3, lines 1-3, lines 11-12. col. 4, lines 23-34, col. 6, lines 17-25, status indicator associated with targeted object, key, wallet, watch, object associated with location transducer);

a processor (col. 2, lines 49-62, , processor 202 coupled to memory 204) coupled to the memory arrangement and to the receiver, the processor retrieving from each reply, identifier data uniquely identifying a particular one of the portable devices (col. 5, lines 21-31, identification associated with tracked object and missing object) which generated the reply and comparing the identifier data to the stored identifier data; and

a portable device control system coupled to the processor and controlled based on the comparison of the stored identifier data to the identifier data retrieved from the replies (col. 2, lines 4-18, object 112, 104, 112 are tagged for identification purposes), wherein the status information on the memory arrangement is updated based on the comparison of the stored identifier data to the retrieved identifier data (col, 3, lines 1-3, lines 11-12. col. 4, lines 23-34, col. 6, lines 17-25, alarm or indication upon updating the target status in the memory 204).

Regarding claim 2, Goldberg teaches the system according to claim 1, wherein the transmitter and the receiver include a Bluetooth radio transceiver which utilizes a 2.4 GHZ Short Range Radio protocol (col. 2, line 4 to col. 3, line 36, Bluetooth transceiver 120).

Regarding claim 3, Goldberg teaches the system according to claim 1, wherein the portable device includes a Bluetooth radio transceiver utilizing a 2.4 GHz Short Range Radio protocol (col. 2, line 4 to col. 3, line 36, Bluetooth transceiver 120).

Regarding claim 4, Goldberg teaches the system according to claim 1, wherein the portable devices include at least one of laptop computers, bar code scanners, computing terminals, beepers, phones, printers and personal digital assistants (col. 3, lines 48-57, cell phone 420 for identification purposes).

Regarding claim 5, Goldberg teaches the system according to claim 1, wherein the inquiries include an inquiry access code which prompts the portable devices to generate the corresponding replies (col. 2, line 4 to col. 3, line 36, response via interrogator 214).

Regarding claim 7, Goldberg teaches the system according to claim 1, wherein the portable device control system includes a sound arrangement providing a sound alert when the identifier data retrieved from the replies matches to the stored identifier data (col. 3, lines 4-12; col. 5, lines55-65, if not in possession of trusted person, speaker alarm 212 is generated).

Regarding claim 11, Goldberg teaches the system according to claim 1, wherein the portable device control system is activated when the identifier data retrieved from the replies does not match to the stored identifier data (col. 3, lines 4-12; col. 5, lines55-65, if not in possession of trusted person or stored identifier data, speaker alarm 212 is generated).

Regarding claim 16, Goldberg teaches the system according to claim 14, wherein the portable device includes a Bluetooth radio transceiver utilizing a 2.4 GHz Short Range Radio protocol (col. 2, line 4 to col. 3, line 36, Bluetooth transceiver 120).

Regarding claim 17, Goldberg teaches the system according to claim 14, wherein the inquiries include an inquiry access code which prompts the portable devices to generate the corresponding replies (col. 2, line 4 to col. 3, line 36, response via interrogator 214).

Regarding claim 18, Goldberg teaches the system according to claim 17, wherein before retrieving step, receiving the inquiries by the particular device; and generating the reply as a function of the inquiry access code (col. 2, line 4 to col. 3, line 36, response via interrogator 214).

All subject matters in claim 19 are disclosed in claims 6 an 14, and therefore rejection of the subject matters expressed in claim 19 are met by references and associated arguments applied to rejection of claims 6 and 14.

Regarding claim 20, Goldberg teaches the system according to claim 14 wherein the portable device control system includes a sound arrangement providing a sound alert when the identifier data retrieved from the replies matches to the stored identifier data (col. 3, lines 4-12; col. 5, lines55-65, if not in possession of trusted person, speaker alarm 212 is generated).

Regarding claim 23, Goldberg teaches the system according to claim 14, wherein the portable device control system is activated when the identifier data retrieved from the replies does not match to the stored identifier data (col. 3, lines 4-12; col. 5, lines55-65, if not in possession of trusted person or stored identifier data, speaker alarm 212 is generated).

All subject matters in claim 24 are disclosed in claim 14, and therefore rejection of the subject matters expressed in claim 24 are met by references and associated arguments applied to rejection of claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Jenkins (5,801,618).

Regarding claims 8-10, Goldberg teaches the portable device control system coupled to the processor and controlled based on the comparison of the stored identifier data to the identifier data retrieved from the replies (col. 2, line 4 to col. 3, line 36, object 112, 104, 112 are tagged for identification purposes). But Goldberg does not teach the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, a display arrangement

displaying to security personnel an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data.

However, Jenkins teaches, in the art of locating system, the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, a display arrangement displaying to security personnel an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data (abstract, lines 10-27 and col. 3, lines 11-53, video arrangement associated with taping or recording the vehicle movement, transponder associated with the identified object or vehicle, locked state of gate in the view of video recording) for the purpose of providing remote control of objects. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, a display arrangement displaying to security personnel an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies

matches to the stored identifier data in the device of Goldberg because Goldberg

suggest the processor retrieves from the reply from the located object and Jenkins

teaches the locating system includes a video arrangement taping an area from which

the replies are received when the identifier data retrieved from the corresponding

replies matches to the stored identifier data, a display arrangement displaying to

security personnel an area from which the replies are received when the identifier data

retrieved from the corresponding replies matches to the stored identifier data, and a

locking arrangement locking an area from which the replies are received when the

identifier data retrieved from the corresponding replies matches to the stored identifier

data for the purpose of providing remote control of objects.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goldberg in view of Worger et al. (5,664,113).

Regarding claims 6 and 13, Goldberg teaches the system according to claim

1, wherein the processor retrieves from the reply from the located object (col. 5, lines

48-54, 2, line 4 to col. 3, line 36, response via interrogator 214).   But Goldberg does

not teach the processor retrieves from the reply, date and time when the reply was

generated, the processor determining a corresponding employee identifying number as

a function of the identifier data and storing the data and time into a data record

corresponding to the employee identifying number; and a Radio Frequency

Identification tag situated on each of the portable devices; and a Radio Frequency

Identifier receiver coupled to the processor and being capable of detecting the

presence of the tag in a predetermined area, wherein the portable device control

system is activated when at least one of (a) the Radio Frequency Identifier receiver

detects the tag in the predetermined area and (b) the identifier data retrieved form the replies matches to the stored identifier data.

However, Worger teaches, in the art of asset control system, the processor retrieves from the reply, date and time when the reply was generated, the processor determining a corresponding employee identifying number as a function of the identifier data and storing the data and time into a data record corresponding to the employee identifying number (col. 5, lines 52-65 and col. 8, lines 19-61 , caretakers 38 associated with tag 58 and time stamp associated with the caretaker's performance); and a Radio Frequency Identification tag situated on each of the portable devices; and a Radio Frequency Identifier receiver coupled to the processor and being capable of detecting the presence of the tag in a predetermined area, wherein the portable device control system is activated when at least one of (a) the Radio Frequency Identifier receiver detects the tag in the predetermined area and (b) the identifier data retrieved form the replies matches to the stored identifier data (col. 5, lines 52-56; col. 8, line 52-col. 9, line6, predetermined area or zone wherein caretakers associated with employee ID 58 and time stamp is located) for the purpose of providing asset control. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the processor retrieves from the reply, date and time when the reply was generated, the processor determining a corresponding employee identifying number as a function of the identifier data and storing the data and time into a data record corresponding to the employee identifying number; and a Radio Frequency Identification tag situated on each of the portable devices; and a Radio Frequency Identifier receiver coupled to the processor and being capable of detecting the presence of the tag in a predetermined area, wherein the portable device control

system is activated when at least one of (a) the Radio Frequency Identifier receiver detects the tag in the predetermined area and (b) the identifier data retrieved form the replies matches to the stored identifier data   in the device of Goldberg because Goldberg suggest the processor retrieves from the reply from the located object and Worger teaches the processor retrieves from the reply, date and time when the reply was generated, the processor determining a corresponding employee identifying number as a function of the identifier data and storing the data and time into a data record corresponding to the employee identifying number; and a Radio Frequency Identification tag situated on each of the portable devices; and a Radio Frequency Identifier receiver coupled to the processor and being capable of detecting the presence of the tag in a predetermined area, wherein the portable device control system is activated when at least one of (a) the Radio Frequency Identifier receiver detects the tag in the predetermined area and (b) the identifier data retrieved form the replies matches to the stored identifier data for the purpose of providing asset control.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Jenkins (5,801,618).

Regarding claims 21-22, Goldberg teaches the method according to claim 14, further comprising the steps of: using the portable device control system coupled to the processor and controlled based on the comparison of the stored identifier data to the identifier data retrieved from the replies (col. 2, line 4 to col. 3, line 36, object 112, 104, 112 are tagged for identification purposes). But Goldberg does not teach the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches

to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data.

However, Jenkins teaches, in the art of locating system, the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data (abstract, lines 10-27 and col. 3, lines 11-53, video arrangement associated with taping or recording the vehicle movement, transponder associated with the identified object or vehicle, locked state of gate in the view of video recording) for the purpose of providing remote control of objects.   Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data in the device of Goldberg because Goldberg suggest the processor retrieves from the reply from the located object and Jenkins teaches the locating system includes a video arrangement taping an area from which the replies are received when the identifier data retrieved from the corresponding replies matches to the stored identifier data, and a locking arrangement locking an area from which the replies are received when the identifier

data retrieved from the corresponding replies matches to the stored identifier data for the purpose of providing remote control of objects.

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Reis et al. (5,686,902).

Regarding claim 15, Goldberg teaches the system according to claim 14, wherein the transmitter transmits the wireless inquiries.   But Goldberg does not teach the transmitter transmits the wireless inquiries contentiously.

However, Reis teaches, in the art of asset control system, the transmitter transmits the wireless inquiries contentiously (col. 6, lines 46-61, one to many broadcast) for the purpose of providing all tags to respond.   Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the transmitter transmits the wireless inquiries contentiously in the device of Goldberg because Goldberg suggest the transmitter transmits the wireless inquiries and Reis teaches the transmitter transmits the wireless inquiries contentiously for the purpose of providing all tags to respond.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Reis et al. (5,686,902).

Regarding claim 12, Goldberg teaches the system according to claim 1, wherein the transmitter transmits the wireless inquiries.   But Goldberg does not teach the transmitter transmits the wireless inquiries contentiously.

However, Reis teaches, in the art of asset control system, the transmitter transmits the wireless inquiries contentiously (col. 6, lines 46-61, one to many broadcast) for the purpose of providing all tags to respond.   Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to

include the transmitter transmits the wireless inquiries contentiously in the device of

Goldberg because Goldberg suggest the transmitter transmits the wireless inquiries

and Reis teaches the transmitter transmits the wireless inquiries contentiously for the

purpose of providing all tags to respond.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and
any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date
of the advisory action. In no event, however, will the statutory period for reply expire
later than SIX MONTHS from the mailing date of this final act

Contact Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Matsuichiro Shimizu whose telephone number is (703)
306-5841. The examiner can normally be reached on Monday through Friday from
8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful,
the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The
fax phone number for the organization where this application or proceeding is
assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703-
305-8576).

Matuichiro Shimizu

July 31, 2004

BRIAN ZIMMERMAN
PRIMARY EXAMINER